

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-004984

06/07/2016

JUDGE PRO TEM DENISE RIDEN  
FOR COMM. VERONICA W. BRAME

CLERK OF THE COURT  
J. Calkins  
Deputy

IV-D ATLAS NO. 001260032201  
STATE OF ARIZONA, EX REL, DES  
PHILIP MCAULIFFE

PHILIP MCAULIFFE  
8134 BEECH CT  
CANAL WINCHESTER OH 43110

AND

CHRISTINE MCAULIFFE

CHRISTINE MCAULIFFE  
223 S LOGAN AVE  
MINDEN NE 68959

AG-CHILD SUPPORT-EAST VALLEY  
OFFICE  
CHRISTINE MCAULIFFE  
1331 W BASELINE RD #373  
MESA AZ 85202  
CHRISTINE MCAULIFFE  
1960 W KEATING AVE APT 240  
MESA AZ 85202  
CHRISTINE MCAULIFFE  
2318 W ELLA ST APT 201  
MESA AZ 85201

**IV-D ENFORCEMENT HEARING**  
**REVIEW HEAIRNG SET**

Courtroom: 304 SEF

11:16 a.m. This is the time set for Enforcement Hearing arising from Petitioner's  
*Petition to Enforce Child Support* filed on April 15, 2016. Petitioner/Father, Philip McAuliffe

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("Father"), is present telephonically on his own behalf. Respondent/Mother, Christine McAuliffe ("Mother"), is present on her own behalf. The State is represented by Assistant Attorney General, Kathie Pearson.

A record of the proceedings is made digitally in lieu of a court reporter.

Prior to commencement of proceeding, Christine McAuliffe was sworn.

Philip McAuliffe is sworn.

**LET THE RECORD REFLECT** that parties met informally with the Attorney General's Office for a pre-hearing conference prior to the commencement of today's hearing.

Counsel for the State summarizes the case and advises the Court that Mother's current child support obligation is \$745.00 per month and her payment on child support arrears is \$350.00 per month, for a total monthly obligation of \$1,100.00 (including \$5.00 Clearinghouse fee).

Counsel for the State requests the following:

- Find Mother in contempt of court for failure to pay child support.
- Affirm Mother's current child support obligation of \$745.00 per month.
- Affirm Mother's payment on child support arrears of \$350.00 per month.
- Sanctions imposed at the Court's discretion.

Philip McAuliffe, having previously been sworn, testifies.

Christine McAuliffe, having previously been sworn, testifies.

Based upon the testimony presented herein,

**IT IS ORDERED** setting this matter for an **Enforcement Review Hearing on July 26, 2016 at 11:00 a.m. (15 minutes allotted)** before **Comm. Jerry Bernstein** to review Mother's compliance with paying his child support order and address Mother's contempt of court.

The parties are to check in with the Assistant Attorney General at the following location:

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**Maricopa County Superior Court  
Southeast Court Facility  
Attorney General Offices  
located in the Cafeteria  
222 E. Javelina Ave.  
Mesa, AZ 85210-6201**

The parties will be directed to the appropriate courtroom at that time.

**Mother is hereby advised that in the event she fails to appear, the Court will proceed in her absence and make a decision based on the testimony and information presented, which may include entering a default judgment and/or issuing a Child Support Arrest Warrant.**

Father may appear telephonically by initiating a telephone call to (602) 506-1590 or (602) 506-1190 (Arizona time) at the aforesaid time and date.

(NOTE: All parties appearing telephonically must be joined in a single conference call and be prepared to hold until transferred into the courtroom. The call should be placed from a telephone in an area with no background noise to ensure the party can hear the proceedings in the courtroom. The call may not be placed from a vehicle.)

**IT IS FURTHER ORDERED** affirming Mother's current child support obligation of \$745.00 per month.

**IT IS FURTHER ORDERED** affirming Mother's payment on child support arrears at \$350.00 per month. Mother's payment on child support arrears shall not be modified without order of the Court.

Discussion is held regarding whether Respondent/Mother was served with Petitioner/Father's *Petition to Enforce Child Support* filed on April 15, 2016.

The Court takes judicial notice of the findings of the Court in the March 29, 2016 Minute Entry and Father's Proof of Service dated May 2, 2016. Mother claims to have been in rehab where she could not have been and was not personally served.

Mother states that she was never personally served on May 2, 2016 with Father's *Petition* but she did receive the Minute Entry setting today's hearing.

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**THE COURT FINDS** that there is a question on Mother's service of Petitioner/Father's *Petition to Enforce Child Support* filed on April 15, 2016.

**LET THE RECORD FURTHER REFLECT** that the Court advises Mother of the sanctions that can be imposed by the Court if she fails to pay and remain current in her child support obligation.

The parties are notified that they have the right to appeal the Court's orders. They would do so by filing a Notice of Appeal with the Arizona Court of Appeals within thirty (30) days of the date of this Order.

11:53 a.m. Matter concludes.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court.

*/s/ JUDGE PRO TEM DENISE RIDEN*

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JUDGE PRO TEM DENISE RIDEN  
COMMISSIONER OF THE SUPERIOR COURT

**LATER:**

**IT IS ORDERED** that Respondent/Mother provide proof of the dates and attendance of her rehabilitation stay(s) as she testified to at today's hearing to the Enforcement Review Hearing on July 26, 2016 at 11:00 a.m.

It is the responsibility of the party obligated to pay support/maintenance to pay the support to the following:

**Support Payment Clearinghouse  
P. O. Box 52107  
Phoenix, Arizona 85072-2107**

Payment should show the case number and/or ATLAS case number, the name of the party paying support, and the name of the party who will receive the payment.

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**WARNING:** If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

**IT IS ORDERED** that at any time the Income Withholding Order is not paying the full amount of the child support obligation, Mother shall pay the difference between the court-ordered child support obligation and what is paid through the Income Withholding Order directly to the Support Payment Clearinghouse.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

**Communication with the Court**

The parties are advised that since this is an open Title IV-D case, the State is an interested party; therefore the State must be endorsed on all matters pertaining to child support and must also be served with any petitions that involve child support.

**The Office of the Assistant Attorney General  
Department of Economic Security – Child Support Enforcement**

**Physical  
2290 W. Guadalupe Road  
Building 3  
Gilbert, AZ 85233**

**Mailing  
P. O. Box 2390  
Gilbert, AZ 85299-2390**

A party cannot engage in any *ex parte* communication with the Court (i.e., communication directed to the Court without knowledge of the other party). Therefore, for the Court to consider any request, all copies of any correspondence must be provided to the opposing parties.

Your pleading/motion must also tell the judicial officer the following:

- That the motion/pleading was filed with the Clerk of the Court.
- The date you delivered a copy of the motion to the other parties.
- The address to which the copy was sent to the other parties.
- Whether the delivery was by mail or by hand.

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**NOTE:** If the above instructions are not followed, the pleading/motion will be rejected and not considered by the Court and will subject the filing party to re-filing their request.

**PLEASE NOTE:** This courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$30.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the FTR courtrooms. You may also request to purchase a copy of a CD of a hearing in a courtroom are directed to call **605-506-7100 (leave details on voice mail)** or **email** your request to: [ers@superiorcourt.maricopa.gov](mailto:ers@superiorcourt.maricopa.gov).

**NOTICE:** A child should not be brought to the courthouse to be present during a court proceeding. Whenever a child is brought to the courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of court personnel do not permit them to perform this function.

Father/Mother is directed to the Self-Service Center of the Maricopa County Superior Court if he/she believes there is a significant and/or ongoing change of circumstance warranting modification of this child support order.

**Self-Service Center**, 201 West Javelina, Mesa, AZ. Automated telephone number: (602) 506-SELF. (Provides a variety of forms and instructions.) The parties may also obtain various forms from the Self-Service Center website at:  
<<http://www.superiorcourt.maricopa.gov/ssc/sschome.html>>

**As of June 28, 2016, due to judicial rotation, the Honorable Jerry Bernstein will be assuming the caseload in this division that is currently being handled by the Honorable Veronica Brame.**

**This represents a change in judicial assignment and both parties are on notice thereof in accordance with Rule 6 of the Arizona Rules of Family Law Procedure and Rule 42 of the Arizona Rules of Civil Procedure.**

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.